

# 15

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 30394-2
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First named inventor: Hideharu OGAWA

Application No.: 09/762,772

Art Unit: 3713

Filed: 13 February 2001

Examiner: NGUYEN, Kim T.

Title: SCORE MANAGEMENT SYSTEM, SCORE MANAGEMENT SERVER, AND DATA RECORDING MEDIUM

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MAY 12 2004

OFFICE OF PETITIONS

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Request for Continued Examination (RCE) (identify type of reply):

- has been filed previously on \_\_\_\_\_.
- is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ \_\_\_\_\_.

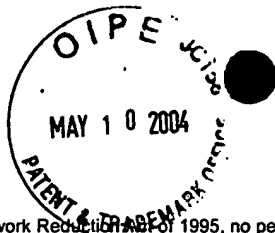
- has been paid previously on \_\_\_\_\_.
- is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/11/2004 RND/DAF1 00000059 09762772 665.00 OP  
02 FC:2453



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

5/4/04  
Date

Signature

Telephone Number: (858) 720-6300

Mitchell P. Brook  
Typed or printed name

Luce, Forward, Hamilton & Scripps, LLP  
Address

11988 El Camino Real, St. 200, San Diego, CA 92130  
Address

- Enclosures:  Fee Payment
- Reply
  - Terminal Disclaimer Form
  - Additional sheets containing statements establishing unintentional delay
  - Other: Request for Continued Examination (RCE)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

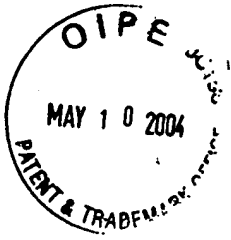
I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

May 4, 2004  
Date

Signature

Amy M. Sheridan  
Type or printed name of person signing certificate



Atty. Docket No.: 30394-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hideharu OGAWA
Serial No.: 09/762,772
Filed: February 13, 2001
For: SCORE MANAGEMENT SYSTEM, SCORE MANAGEMENT SERVER, AND DATA RECORDING MEDIUM

Group Art Unit: 3713
Examiner: NGUYEN, Kim T.

RECEIVED
MAY 12 2004
OFFICE OF PETITIONS

San Diego, California
May 6, 2004

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.137(b) TO REVIVE AN ABANDONED APPLICATION

The above-identified application became abandoned for failure respond to a Final Office Action in accordance with 37 CFR 1.113 and 1.116 to warrant allowance of the above-referenced patent application. The required response and accompanying paperwork is being filed herewith. The date of abandonment is six (6) months from the due date for a Response from the Final Office Action. The entire delay in filing the required response was unintentional.

CERTIFICATE OF MAILING

I hereby certify that this correspondence deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: May 6, 2004

Signature:

[Handwritten Signature]
Amy M. Sheridan

A Final Office Action for the subject application was mailed by the U.S. Patent and Trademark Office (PTO) on November 27, 2002. Applicant's Response to the Final Office Action was mailed on February 27, 2003 and received by the PTO on March 4, 2003. On August 12, 2003, Applicant received a Notice of Abandonment stating that the "application is abandoned in view of: Applicant's failure to timely file a proper reply to the Office Letter mailed on 27 November 2002.... No reply has been received." In response, Applicant submitted a Petition to Withdraw Holding of Abandonment on August 19, 2003 claiming that the Holding of Abandonment was issued in error. No response to Applicant's Petition was received and the undersigned contacted the Examining Attorney, Kim T. Nguyen, to determine the status of the filing on March 1, 2004 whereupon it was determined that the PTO had no record of our Response to the Final Office Action or our Petition to Withdraw Holding of Abandonment.

On March 10, 2004 the PTO dismissed the Petition to Withdraw Holding of Abandonment, stating that while both of Applicant's submissions had "been recently associated with the application file..... the reply does not place the application in condition for allowance.... Petitioner had a duty to file a timely reply that was in compliance with the regulations in order to forestall abandonment.... and the Petitioner's remedy is to proceed pursuant to 37 CFR 1.137".

Therefore, Applicant respectfully requests the U.S. Patent and Trademark Office to accept the enclosed Petition for Revival of an Unintentionally Abandoned Application concurrent with a Request for Continued Examination (RCE) to continue prosecution.

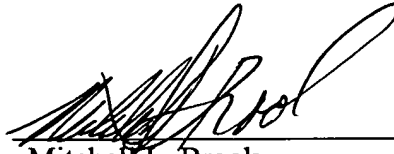
The fee pursuant to 37 CFR 1.17(m) for a Petition to Revive and Unintentionally Abandoned Application for a Small Entity is \$665.00, and the fee pursuant to 37 CFR 1.17(e) for a Request for Continued Examination for a Small Entity is \$385.00. Accordingly, Check No. 151520 in the amount of \$665.00 and Check No. 151521 in the amount of \$385.00 are concurrently submitted. Since this application has a filing date on or after June 8, 1995, no terminal disclaimer or disclaimer fee is required.

The Commissioner is authorized to charge any shortage in the fees due in connection with the filing of this paper to our Deposit Account No. 50-2298 in the name of Luce, Forward, Hamilton & Scripps LLP.

Respectfully submitted,

Date

5/6/04



Mitchell L. Brook

Attorney for Applicant(s)

Reg. No. 32,967

c/o

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